

## **OCTOBER 6, 2014 (SPECIAL MEETING)**

Mayor Traugott presented and signed a Proclamation declaring the month of October as “Breast Cancer Awareness” month and “Mary Beth Kiger Pink Out Day”, in honor of Versailles City Employee Mary Beth Kiger who is battling breast cancer.

**ROLL CALL:** MARY BRADLEY, MIKE COLEMAN, CARL ELLIS, KEN KERKHOFF, ANN MILLER AND OWEN ROBERTS WERE PRESENT. ALSO PRESENT WERE MAYOR BRIAN TRAUGOTT AND CITY ATTORNEY BILL MOORE.

**DEPT. HEADS:** JAMES ODOM, BART MILLER, JOHN WILHOIT AND ALLISON WHITE WERE PRESENT REPRESENTING THEIR RESPECTIVE DEPARTMENTS.

### **PUBLIC COMMENT**

Marjorie Evans expressed her sympathy to Mayor Traugott for the recent loss of his father. Ms. Evans also commended the Mayor for his contributions to the community to date.

**MOTION BY BRADLEY, SECONDED BY KERKHOFF TO APPROVE AND ADOPT THE MINUTES OF THE SEPTEMBER 16, 2014 MEETING OF THE COUNCIL.**

**The vote was as follows: Bradley, Coleman, Ellis, Kerkhoff, Miller and Roberts voting aye.**

**MOTION BY ELLIS, SECONDED BY ROBERTS TO APPROVE AND ADOPT THE MINUTES OF THE SEPTEMBER 23, 2014 JOINT WORK SESSION OF CITY OF VERSAILLES AND CITY OF MIDWAY.**

**The vote was as follows: Bradley, Coleman, Ellis, Miller and Roberts voting aye. Council member Kerkhoff abstained from voting.**

Mayor Traugott noted that an official request had been sent to the Woodford Fiscal Court requesting a joint meeting with the City of Versailles and City of Midway to further discuss the Interlocal Agreement for Emergency Management services and to date, he had not heard back from the Court.

At the request of Council member Bradley, City Attorney Bill Moore gave second reading of Ordinance No. 2014-40 An Ordinance Relating to the Protection of the Public Health and Welfare By Regulating Smoking of Tobacco, Alternative Nicotine Products, and Vapor Products (aka Electronic Tobacco Products) in Buildings Open to the General Public and Places of Employment as follows:

### **CITY OF VERSAILLES ORDINANCE NO.2014-40**

**TITLE; AN ORDINANCE RELATING TO THE PROTECTION OF THE PUBLIC HEALTH AND WELFARE BY REGULATING SMOKING OF TOBACCO, AND VAPOR PRODUCTS (AKA ELECTRONIC TOBACCO PRODUCTS) IN BUILDINGS OPEN TO THE GENERAL PUBLIC AND PLACES OF EMPLOYMENT.**

Whereas, the elected representatives of the City of Versailles have determined that it is necessary and appropriate to address the health issues created by the smoking of tobacco and vapor products, which contain nicotine, in places of employment and places open to the general public;

Now, therefore, BE IT ORDAINED IN THE CITY OF VERSAILLES, KENTUCKY as follows:

**Section 1. Definitions:** The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this Section:

- (A) “Buildings” means any structure open to the public that is enclosed on all sides and top from weather, whether or not windows and doors are open. If a person owns, leases or possesses only a portion of the building, the term building applies to the ownership, leasehold or possessory interest as well.

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- (B) “Business” means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold, professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.
- (C) “Dwelling” means any place used primarily for sleeping overnight and conducting activities of daily living, including, without limitation, house, duplex, town home, apartment, mobile home trailer, a hotel or motel room, but not a hotel or motel lobby, common elevator, common hallway or other common area. A dwelling does not include a hospital room, hospice facility or nursing home room.
- (D) “Employee” means a person who works in consideration for direct or indirect monetary wages or profit, or who volunteers his or her services for an entity.
- (E) “Employer” means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons. A private club which employs exclusively from within or operated solely by member volunteers is not an employer. “Enclosed Area” means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.
- (F) “Health Care Facility” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals, Optometrists, Podiatrists, Veterinarians, County Health Departments or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include, but is not limited to, all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.
- (G) “Place of Employment” means an area under the control of a public or private employer that employees normally frequent or may need to access during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias and hallways. A private residence is not a “place of employment” unless it is used as a childcare, adult day care, or health care facility.
- (H) “Private Club” means an establishment which maintains selective members, is operated by the membership and does not provide food or lodging for pay to anyone who is not a member or a member’s guest.
- (I) “Public Place” means an enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks, bars, churches, educational facilities, health care facilities, hotels and motels, laundromats, polling places, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, schools and retail stores. “Public place” also means shopping malls, sports arenas, theaters, waiting rooms, parks and playgrounds, but shall not include unenclosed adjacent parking lots and access ways that are a reasonable distance from areas where smoking is prohibited, as defined within Section 6. A private residence is not a “public place” unless it is used as a childcare, adult day care, or health care facility.
- (J) “Service Line” means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.
- (K) “Shopping Mall” means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

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- (L) “Smoking” means inhaling, exhaling, burning, or carrying any electronic cigarette, lighted cigar, cigarette, pipe, or other lighted tobacco product or any other lighted substance intended for smoking, whether otherwise legally possessed or consumed in any manner or in any form.
- (M) “Sports Arena” means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.
- (N) “Vapor Product” means any noncombustible product that employs a heating element, battery, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size and including the component parts and accessories thereto, that can be used to delivery vaporized nicotine or other substances to users inhaling from the device. “Vapor product” includes but is not limited to any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and every variation thereof, regardless of whether marketed as such, and any vapor cartridge or other container of a liquid solution or other material that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar product or device. Vapor product does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

### **Section 2. Application of Ordinance to City-owned Facilities:**

All facilities, including buildings and vehicles, that are owned, leased or otherwise operated by the City of Versailles, shall be subject to the provisions of this ordinance.

### **Section 3. Prohibition of Smoking in Public Places:**

Smoking is prohibited in all public places as defined in Section 1(J), above within the city limits of Versailles, Kentucky.

### **Section 4. Prohibition of Smoking in Places of Employment:**

- (A) Smoking is prohibited in all enclosed places of employment. This prohibition includes, but is not limited to common work areas, auditoriums, classrooms, conference and meeting rooms, elevators, hallways, maintenance areas, attics, crawl spaces, health care facilities, cafeterias, employee lounges, stairs, restrooms, and service lines within city limits of Versailles, Kentucky.

### **Section 5. Prohibition of Smoking in Outdoor Arenas and Stadiums:**

Smoking is prohibited in all service lines and in the seating areas of all outdoor arenas, stadiums and amphitheaters within Versailles, Kentucky.

### **Section 6. Reasonable Distance:**

Smoking is prohibited within a reasonable distance of not less than three (3) feet, from any outside entrance to or open windows of any area in which smoking is prohibited by this ordinance and from the air intake of a ventilation system serving an enclosed area where smoking is prohibited, in order to insure tobacco smoke does not enter that enclosed area through entrances, windows, ventilation systems or other means.

### **Section 7. Where Smoking Not Regulated:**

Notwithstanding any other provision of this Ordinance to the contrary, the following areas shall be exempt from the provisions of Sections 3 and 4:

- (A) Private residences and dwellings, except when used as a licensed childcare, adult day care or health care facility.

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- (B) Private clubs that employ from within or whose only employees are member volunteers; provided that when such clubs are being used for functions or on occasions to which the general public is invited, the prohibitions set out in Sections 3 and 4 shall apply.

### **Section 8. Declaration of Establishment as Nonsmoking:**

Nothing in this ordinance may be construed as preventing an owner, operator, manager or other authorized person in control of any establishment, facility or outdoor area from declaring the entire campus or property associated with that establishment, facility or outdoor area smoke free. Enforcement of any such restrictions exceeding the scope of this ordinance would be the responsibility of the authorized person in control of the affected establishment, facility or outdoor area.

### **Section 9. Enforcement:**

- (A) Enforcement of this Ordinance shall be the responsibility of any and all sworn law enforcement officers who may be assigned to work within the City of Versailles, if so directed by their superiors. Enforcement shall be primarily done on a complaint basis but can be done at any time witnessed by an enforcement official.
- (B) Notice of the provisions of this Ordinance shall be given to all applicants for a business license in the City of Versailles by the appropriate clerk.
- (C) Owners, managers, operators or employees of establishments regulated by this Ordinance shall inform persons seen violating this Ordinance of the requirements of this Ordinance. In the event an owner, manager, operator or employee of an establishment regulated by this Ordinance observes a person or persons violating this Ordinance, he or she shall immediately direct the person or persons in violation to extinguish the item being smoked.

### **Section 10. Violations and Penalties:**

- (A) A person who smokes in an area where smoking is prohibited, by the provisions of this Ordinance, shall be guilty of violating the Nuisance Ordinance and punishable by a fine not exceeding fifty dollars (\$50.00).
- (B) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Ordinance shall be guilty of a violation, punishable by:
  - (1) A fine not exceeding fifty dollars (\$50.00) for a first violation.
  - (2) A fine not exceeding one hundred dollars (\$100.00) for a second violation within one (1) year from a previous offense date.
  - (3) A fine not exceeding two hundred and fifty dollars (\$250.00) for the third and each additional violation within one (1) year from a previous offense date.
- (C) Violation of this Ordinance is declared to be a public nuisance, which may be abated by the City of Versailles or its designated agents by restraining order, preliminary and permanent injunction, or other means provided for by law. The City of Versailles may recover the reasonable costs of any court enforcement action seeking abatement of this nuisance.
- (D) Each day on which a violation of this Ordinance occurs shall be considered a separate and distinct violation. Multiple violations witnessed in a single observance shall also be considered separate and distinct violations.

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**Section 11. Other Applicable Laws:**

This Ordinance shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

**Section 12. Severability:**

If any provision, clause, sentence, or paragraph of this Ordinance or its application to any person or factual context shall be held invalid, that invalidity shall not affect the remaining provisions of this Ordinance, which may be given effect independent of the provision or application declared invalid.

Introduced and given first reading at a meeting of the Versailles City Council, Versailles, Kentucky held on the 16<sup>th</sup> day of September 2014, and fully adopted after the second reading at a meeting of the said City Council held on the 6th of October 2014.

VERSAILLES CITY COUNCIL

BY: \_\_\_\_\_  
Brian Traugott, Mayor

ATTEST:

\_\_\_\_\_  
Allison White, City Clerk

**MOTION BY ROBERTS, SECONDED BY BRADLEY TO APPROVE AND ADOPT ORDINANCE NO. 2014-40.**

**Discussion**

Council member Miller expressed her concern that “it is not the City’s place to regulate such rules of facilities outside City government even though I support the ordinance in theory—not in spirit”. Council member Ellis and City Attorney Moore noted that the ordinance as given second reading now lessens the penalties and has been much improved over the original ordinance, which prohibited smoking in public places.

**The vote was as follows: Bradley, Coleman, Ellis, Kerkhoff and Roberts voting aye. Council member Miller abstained from voting.**

At the request of Council member Bradley, City Attorney Moore gave second reading of Ordinance No. 2014-41 as follows:

**CITY OF VERSAILLES, KENTUCKY  
ORDINANCE 2014-41**

**ORDINANCE CONFIRMING THE SALE AND AWARDING A NON-EXCLUSIVE FRANCHISE TO KENTUCKY UTILITIES CORPORTATION FOR A TERM OF TEN (10) YEARS FOR ELECTRIC FRANCHISE FOR THE PLACEMENT OF FACILITIES FOR THE TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRICAL ENERGY ALONG AND UNDER PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF VERSAILLES, KENTUCKY, IN RETURN FOR PAYMENT TO THE CITY OF VERSAILLES OF THE SUM OF TWO PERCENT (2%) OF FRANCHISEE'S GROSS RECEIPTS PER YEAR FROM THE FRANCHISEE’S SALE OF ELECTRICITY TO ELECTRIC-CONSUMING ENTITIES INSIDE THE CITY OF VERSAILLES’S CORPORATE LIMITS AND RESERVING THE RIGHT TO INCREASE SAID FRANCHISE FEE TO UP TO THREE PERCENT (3%) OF FRANCHISEE'S GROSS RECEIPTS PER YEAR FROM THE FRANCHISEE’S SALE OF ELECTRICITY TO ELECTRIC-CONSUMING ENTITIES INSIDE THE CITY OF VERSAILLES’S CORPORATE LIMITS.**

**OCTOBER 6, 2014 (SPECIAL MEETING)**

**WHEREAS**, Ordinance No. 2014-36, adopted by the Versailles City Council, on August 19, 2014 provided for the creation and sale of a non-exclusive franchise, for a term of ten (10) years, to acquire, lay, maintain, operate, enter upon, construct, install, use and repair, in the public Right-Of-Way of the City a system or works for the generation, transmission and distribution of electrical energy from points either within or without the corporate limits of this City, to this City and the inhabitants thereof, and from and through this City to persons, corporations and municipalities beyond the limits thereof, and for the sale of same for light, heat, power and other purposes; and

**WHEREAS**, said ordinance also established a sealed bid process which includes advertising the invitation for bids, and awarding the franchise to the successful bidder(s); and

**WHEREAS**, after publication of said advertisement on August 28, 2014, the City received a bid from Kentucky Utilities Corporation.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY, AS FOLLOWS:**

**Section 1.** That an electric franchise created by Ordinance No. 2014-36 be, and it hereby is awarded to Kentucky Utilities Corporation, for the cost of advertising and sale of an electric franchise, plus two percent (2%) of its annual gross revenues, which shall be payable to the City of Versailles, Kentucky, on a quarterly basis.

**Section 2.** That the City of Versailles, Kentucky, pursuant Ordinance No. 2014-36 shall have the right to increase said franchise fee described above to up to three (3) percent of gross receipts per year from Kentucky Utilities Corporation's sale of electricity to electric-consuming entities inside the City of Versailles's corporate limits on or after the later of ninety (90) days after the date of the written notice or the effective date of the franchise fee specified in the City of Versailles's notice.

**Section 3.** All prior ordinances, municipal orders, or policies or parts thereof in conflict herewith, are to the extent of such conflict, hereby repealed.

**Section 4.** That the Mayor of the City of Versailles is hereby authorized to sign the Franchise Agreement which to memorializes the sale by the City Versailles to Kentucky Utilities of said franchise subject to the terms and conditions reflected in Ordinance No. 2014-36 and this Ordinance.

**Section 5.** That the statements set forth in the Preamble to this Ordinance are hereby incorporated in this Ordinance by reference, the same as if set forth at length herein.

**Section 6.** That if any section, sentence, clause or phrase of this Ordinance is held to be unconstitutional or otherwise invalid, and such infirmity shall not affect the validity of the remainder of the Ordinance.

**Section 7.** That this Ordinance shall be effective on the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 16<sup>th</sup> day of September, 2014, and fully adopted after the second reading at a meeting of the said Council held on the 6<sup>th</sup> day of October, 2014.

**APPROVED:**

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**BRIAN TRAUGOTT, MAYOR  
CITY OF VERSAILLES, KENTUCKY**

**ATTEST:**

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**ALLISON B. WHITE, CITY CLERK**

**OCTOBER 6, 2014 (SPECIAL MEETING)**

**MOTION BY BRADLEY, SECONDED COLEMAN TO APPROVE AND ADOPT ORDINANCE NO. 2014-41 AN ORDINANCE CONFIRMING THE SALE AND AWARDING A NON-EXCLUSIVE FRANCHISE TO KENTUCKY UTILITIES CORPORTATION FOR A TERM OF TEN (10) YEARS FOR ELECTRIC FRANCHISE FOR THE PLACEMENT OF FACILITIES FOR THE TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRICAL ENERGY ALONG AND UNDER PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF VERSAILLES, KENTUCKY, IN RETURN FOR PAYMENT TO THE CITY OF VERSAILLES OF THE SUM OF TWO PERCENT (2%) OF FRANCHISEE'S GROSS RECEIPTS PER YEAR FROM THE FRANCHISEE'S SALE OF ELECTRICITY TO ELECTRIC-CONSUMING ENTITIES INSIDE THE CITY OF VERSAILLES'S CORPORATE LIMITS AND RESERVING THE RIGHT TO INCREASE SAID FRANCHISE FEE TO UP TO THREE PERCENT (3%) OF FRANCHISEE'S GROSS RECEIPTS PER YEAR FROM THE FRANCHISEE'S SALE OF ELECTRICITY TO ELECTRIC-CONSUMING ENTITIES INSIDE THE CITY OF VERSAILLES'S CORPORATE LIMITS.**

**The vote was as follows: Bradley, Coleman, Ellis, Kerkhoff, Miller and Roberts voting aye.**

At the request of Council member Bradley, City Attorney Bill Moore gave second reading of Ordinance No. 2014-42 as follows:

**CITY OF VERSAILLES, KENTUCKY  
ORDINANCE 2014-42**

**ORDINANCE CONFIRMING THE SALE AND AWARDING A NONEXCLUSIVE FRANCHISE TO COLUMBIA GAS FOR THE PLACEMENT OF FACILITIES FOR THE TRANSMISSION, DISTRIBUTION AND SALE OF GAS FOR HEATING AND OTHER PURPOSES WITHIN THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF VERSAILLES FOR AN INITIAL TEN (10) YEAR PERIOD WITH UP TO TWO (2) ADDITIONAL EXTENSIONS OF TIME OF FIVE (5) YEARS EACH, IN RETURN FOR PAYMENT TO THE CITY OF VERSAILLES OF THE SUM OF AT LEAST TWO PERCENT (2%) OF EACH FRANCHISEE'S GROSS ANNUAL REVENUES FROM THE SALE, DISTRIBUTION, AND DELIVERY OF GAS WITHIN THE CITY OF VERSAILLES AND AN OPTION TO INCREASE THE FEE TO AN AMOUNT NOT TO EXCEED FIVE PERCENT (5%); ALL EFFECTIVE ON DATE OF PASSAGE.**

**WHEREAS**, Ordinance 2014-37, adopted by the Versailles City Council on August 19, 2014, provided for the creation and sale of a non-exclusive franchise, for a term of ten (10) years with up to two (2) additional extensions of time of five (5) years each, for the privilege of constructing, operating, maintaining and distributing natural gas along and under public right-of-way within the corporate boundaries of the City of Versailles; and

**WHEREAS**, Ordinance 2014-37 also established a process by which the successful franchisee would be permitted to excavate within public right-of-way for the purpose of installing and maintaining its gas transmission and distribution lines in order to furnish natural gas to the residents of Versailles, Kentucky; and

**WHEREAS**, after publication of said advertisement on August 28, 2014, the only bid received by the City Clerk was from Columbia Gas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY, AS FOLLOWS:**

**Section 1.** That the gas franchise created by Ordinance 2014-37 be, and it hereby is, awarded to the highest and best bidder, Columbia Gas, for the cost of advertising and sale of said gas franchise, plus two percent (2%) of its annual gross revenues, which shall be payable to the City of Versailles, Kentucky, on a monthly basis. However, the City of Versailles, pursuant to Ordinance 2014-37, reserves the right at any time, and upon sixty (60) days written notice, during the effective period of the franchise to be awarded hereby to impose upon Columbia Gas a franchise fee in an amount not to exceed five percent (5%).

**Section 2.** That the Mayor shall be, and hereby is, authorized and directed to execute the Gas Franchise Agreement on terms and conditions established in Ordinance 2014-37, a copy of which agreement is attached hereto and incorporated herein by reference.

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**Section 3.** All prior ordinances, municipal orders, or policies or parts thereof in conflict herewith, are to the extent of such conflict, hereby repealed.

**Section 4.** That this Ordinance shall be effective on the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 16<sup>th</sup> day of September, 2014, and fully adopted after the second reading at a meeting of the said Council held on the 6<sup>th</sup> day of October, 2014.

**APPROVED:**

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**BRIAN TRAUGOTT, MAYOR  
CITY OF VERSAILLES, KENTUCKY**

**ATTEST:**

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**ALLISON B. WHITE, CITY CLERK**

**MOTION BY BRADLEY, SECONDED BY ROBERTS TO APPROVE AND ADOPT ORDINANCE NO. 2014-42 ORDINANCE CONFIRMING THE SALE AND AWARDDING A NONEXCLUSIVE FRANCHISE TO COLUMBIA GAS FOR THE PLACEMENT OF FACILITIES FOR THE TRANSMISSION, DISTRIBUTION AND SALE OF GAS FOR HEATING AND OTHER PURPOSES WITHIN THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF VERSAILLES FOR AN INITIAL TEN (10) YEAR PERIOD WITH UP TO TWO (2) ADDITIONAL EXTENSIONS OF TIME OF FIVE (5) YEARS EACH, IN RETURN FOR PAYMENT TO THE CITY OF VERSAILLES OF THE SUM OF AT LEAST TWO PERCENT (2%) OF EACH FRANCHISEE’S GROSS ANNUAL REVENUES FROM THE SALE, DISTRIBUTION, AND DELIVERY OF GAS WITHIN THE CITY OF VERSAILLES AND AN OPTION TO INCREASE THE FEE TO AN AMOUNT NOT TO EXCEED FIVE PERCENT (5%); ALL EFFECTIVE ON DATE OF PASSAGE**

**The vote was as follows: Bradley, Coleman, Ellis, Kerkhoff, Miller and Roberts voting aye.**

**Mayor Traugott recommended the following individuals to the Nuisance Code Appeal Board: Debbie Prewitt, David Kratt and Marjorie Evans.**

**MOTION BY MILLER, SECONDED BY ROBERTS TO APPROVE THE APPOINTMENT OF DEBBIE PREWITT TO THE NUISANCE CODE APPEAL BOARD AS RECOMMENDED.**

**The vote was as follows: Bradley, Coleman, Ellis, Kerkhoff, Miller and Roberts voting aye.**

**MOTION BY ELLIS, SECONDED BY KERKHOFF TO APPROVE THE APPOINTMENT OF DAVID KRATT TO THE NUISANCE CODE APPEAL BOARD AS RECOMMENDED.**

**The vote was as follows: Bradley, Coleman, Ellis, Kerkhoff, Miller and Roberts voting aye.**

**MOTION BY BRADLEY, SECONDED BY COLEMAN TO APPROVE THE APPOINTMENT OF MARJORIE EVANS TO THE NUISANCE CODE APPEAL BOARD AS RECOMMENDED.**

**The vote was as follows: Bradley, Coleman, Ellis, Kerkhoff, Miller and Roberts voting aye.**

Public Works Director Bart Miller presented the following bids for the Lift Station Rehabilitation- Phase I Charmil and Stonegate Lift Stations:

Kenney, Inc.	\$392,000.00
Cumberland Pipeline, LLC	\$417,425.00
Codell Construction Company	\$537,215.00



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**MOTION BY ROBERTS, SECONDED BY ELLIS TO APPROVE AND ACCEPT BID RECEIVED BY KENNEY, INC. IN THE AMOUNT OF \$392,000.00 FOR THE PHASE I LIFT STATION REHABILITATION FOR CHARMIL AND STONEGATE LIFT STATIONS.**

**The vote was as follows: Bradley, Coleman, Ellis, Kerkhoff, Miller and Roberts voting aye.**

Mr. Miller presented the following quotes for the purchase of a snow plow for the 2013 F-750 Dump Truck:

Central Equipment Co.	\$7,539.26
International Spreaders	\$7,235.00
Tebco of Kentucky	\$6,728.00

**MOTION BY ROBERTS, SECONDED BY MILLER TO APPROVE AND ACCEPT QUOTE RECEIVED FROM TEBCO OF KENTUCKY IN THE AMOUNT OF \$6,728.00 FOR THE PURCHASE OF A SNOW PLOW.**

**The vote was as follows: Bradley, Coleman, Ellis, Kerkhoff, Miller and Roberts voting aye.**

Ken Kerkhoff provided the Council with an update on repair recommendations to the two walls on North Main Street. Mr. Kerkhoff noted that due to the deteriorating condition of the current walls, faux stone would not adhere to the walls. Mr. Kerkhoff noted that he and Paul Simmons met with Duncan Contracting, who has recommended erecting new walls in front of the current walls and tying them in with rebar and then applying the faux stone to the new walls and installing a ledge on top of both sets of walls on both sides of the street. The quote received from Duncan contracting, LLC was in the amount of \$16,430.00 and Mr. Kerkhoff recommended that the City move forward with repairs to these walls as part of the downtown beautification project and given that we have achieved great stride in the project with the North Main Streetscape project. There was brief discussion among the Council as to whether the Railroad had any type easement ownership or responsibility and if so, should they be approached about contributing to the costs of repairing these walls. It was noted that Public Works Director would make contact with the Railroad to verify any easement ownership.

**MOTION BY KERKHOFF, SECONDED BY ROBERTS TO APPROVE AND ACCEPT QUOTE AS PRESENTED BY DUNCAN CONTRACTING, LLC. IN THE AMOUNT OF \$16,430.00 FOR THE ERECTION OF NEW BLOCK WALLS IN FRONT OF TWO CURRENT WALLS ON NORTH MAIN STREET AND INSTALL FAUX STONE AND LEDGE TOP FOR BOTH WALLS.**

**The vote was as follows: Bradley, Coleman, Ellis, Kerkhoff, Miller and Roberts voting aye.**

**COMMITTEE/DEPARTMENT HEAD REPORTS**

Water/Sewer Committee Chairman Roberts reported that the Committee had met regarding a request for a sewer adjustment for 354 West Domino Court, noting that the water line had a leak for four (4) consecutive billing months before the property owner could repair the leak. It was noted that one leak adjustment had been given (per ordinance); however, the owner was requesting additional adjustments for their June, July and September billings.

**MOTION BY KERKHOFF, SECONDED BY ELLIS TO APPROVE REQUEST FOR THREE ADDITIONAL ADJUSTMENTS (JUNE, JULY AND SEPTEMBER) FOR 354 WEST DOMINO COURT DUE TO AN UNDERGROUND LEAK AND FOUR MONTHS OF BILLINGS BEING AFFECTED PRIOR TO HOMEOWNER REPAIR.**

**The vote was as follows: Bradley, Coleman, Ellis, Kerkhoff, Miller and Roberts voting aye.**

Ken Kerkhoff announced that the newly drafted Interlocal Agreement between the City and Parks and Recreation Department would be distributed to the Mayor, City Attorney and Council members prior to the October 21<sup>st</sup> meeting.

Police/Fire Committee Chair Miller requested a committee meeting to be held on Monday, October 20<sup>th</sup> at 12:00 noon at Fire Station 1 to discuss turn-out gear for the Fire Department.

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Cemetery Chairman Ellis noted that the committee had met once again to revisit discussions regarding allowing mausoleums. Mr. Ellis noted that during that meeting, a conference call was held with the Attorney General’s office to further clarify the requirements of future mausoleum maintenance/repairs, funding of such maintenance and repairs and various liability issues. Mr. Ellis noted that the committee recommends and supports Council’s earlier decision to not allow mausoleums in city-owned and operated cemeteries.

**MOTION BY ELLIS, SECONDED BY MILLER TO APPROVE THE GENERAL LEDGER DISTRIBUTION LIST (BILLS) DATED OCTOBER 6, 2014 AFTER THEY HAVE BEEN PROPERLY REVIEWED AND APPROVED BY THE APPROPRIATE DEPARTMENT HEAD, MAYOR AND CITY TREASURER.**

**The vote was as follows: Bradley, Coleman, Ellis, Kerkhoff, Miller and Roberts voting aye.**

**MOTION BY ROBERTS, SECONDED BY MILLER THAT THE MEETING OF THE COUNCIL ADJOURN.**

**The vote was as follows: Bradley, Coleman, Ellis, Kerkhoff, Miller and Roberts voting aye.**

**APPROVED:**

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**BRIAN TRAUGOTT, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ALLISON B. WHITE, CITY CLERK**